

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MARGUERITE CARRUBBA**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:07CV1238**

**HARRISON COUNTY, MISSISSIPPI BY AND  
THROUGH ITS BOARD OF SUPERVISORS;  
HARRISON COUNTY SHERIFF GEORGE PAYNE;  
WAYNE PAYNE; DIANE GATSON RILEY;  
STEVE CAMPBELL; RICK GATSON; RYAN TEEL;  
KARLE STOLZE, WILLIAMS PRIEST, JAMES A.  
GONDLES, JR. AMERICAN CORRECTIONAL  
ASSOCIATION; JOHN AND JANE DOES 1-3;  
HEALTH ASSURANCE LLC AND J. L. WHITE**

**DEFENDANTS**

**DEFENDANT, GEORGE PAYNE'S MOTION IN LIMINE NO. 8  
TO BAR PORTIONS OF THE DEPOSITION AND/OR TESTIMONY OF  
REGINA RHODES**

COMES NOW, Defendant, Sheriff George Payne, in his official capacity, by and through his attorneys of record, Dukes, Dukes, Keating & Faneca, P.A., and moves this Honorable Court in *limine*, for an Order barring portions of the deposition and/or testimony of Regina Rhodes.. In support thereof, Defendant states as follows:

1. Defendant respectfully moves this Court to bar Plaintiff from offering the deposition and/or the testimony of Regina Rhodes, regarding the matter of McBay v. Harrison County et al. Portions of her deposition are not relevant pursuant to Fed. R. Evid. 401 and 402, constitute impermissible character evidence pursuant to Fed. R. Evid. 404, and the unfairly prejudicial effect outweighs their probative value pursuant to Rule 403.

2. Further, Regina Rhodes left the employment of the HCADC on April 7, 2006. See Exhibit "1" attached hereto. As such, she was not present nor on staff when this incident occurred and her knowledge of the conditions at the HCADC during the 70 days between her departure and this incident could only be based upon inadmissible hearsay or speculation.

WHEREFORE PREMISES CONSIDERED Defendant, George Payne respectfully requests this Court to enter an Order granting this Motion in Limine and respectfully requests the Court to enter an Order as follows:

- A) Directing the Plaintiff through their respective counsel, and counsel individually, not to mention, refer to, interrogate concerning, voluntarily answer, or attempt to convey before the jury whether orally or through a document, at any time during these proceedings, in any manner, either directly or indirectly, the subject matters as stated above without first informing the Court and obtaining permission of the court outside the presence and hearing of the jury;
- B) Instructing the Plaintiff, through their respective counsel, and counsel individually, not to make any reference or inference to the fact that this motion has been filed, argued or ruled upon by this Court; and
- C) Instructing Plaintiff and Plaintiff's attorney to warn and caution each and every witness appearing in their phase of this litigation to strictly comply with the Court's ruling.

RESPECTFULLY SUBMITTED, this the 28<sup>th</sup> day of July, 2010.

**GEORGE PAYNE, JR., IN HIS OFFICIAL CAPACITY  
ONLY, Defendant**

**DUKES, DUKES, KEATING & FANCA, P.A.**

BY: /s/Cy Faneca  
CY FANCA

**CERTIFICATE OF SERVICE**

I, CY FANCA, do hereby certify that I have this day electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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*Attorneys for Morgan Thompson*

This, the 28<sup>th</sup> day of July, 2010.

s/CyFaneca  
CY FANECA

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